98th Congress, 2d Session - - - - - - - - - - - Senate Document 98-32

VETO—S. 2436

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. 2436, THE PUBLIC BROADCASTING AMENDMENTS ACT OF 1984, WHICH INCREASES SPENDING ON PUBLIC BROADCASTING BY A MAGNITUDE WHICH CANNOT BE JUSTIFIED

SEPTEMBER 5, 1984.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

31-011 O WASHINGTON : 1984

S260-1

To the Senate of the United States:

Since the adjournment of the Congress has prevented my return of S. 2436 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming a law. Notwithstanding what I believe to be my constitutional power regarding the use of the "pocket veto" during an adjournment of Congress, however, I am sending S. 2436 to the Senate with my objections, consistent with the Court of Appeals decision in *Kennedy* v. *Sampson*, 511 F.2d 430 (D.C. Cir. 1974).

Public broadcasting constitutes an important national resource and contributes to the diversity of news, information, and entertainment choices available to the American public. Under S. 2436, however, Federal funding for public broadcasting would be increased by too much too fast. The Fiscal Year 1987 authorization of $238 million for the Corporation for Public Broadcasting represents a 49 percent increase over the already enacted funding level for 1986. Likewise, next year's spending on new public broadcasting facilities grants would be authorized at $50 million or four times this year's appropriation.

When all of the demands on the Federal budget are taken into account, increases in spending on public broadcasting of the magnitude contemplated by this legislation cannot be justified. They are incompatible with the clear and urgent need to reduce Federal spending. Moreover, this view is clearly shared by a large portion of the House of Representatives as indicated by the 176 votes in favor of the Oxley amendment to reduce the three-year authorizations by 25 percent.

In disapproving this bill, therefore, I urge the Congress to consider a revised bill providing more reasonable and moderate increases for the Board for Public Broadcasting along the lines of the Oxley amendment. I also reiterate my strong opposition to the huge increases for public facilities grants contained in S. 2436 and the unjustified expansion of this program to include repair and replacement of existing equipment.

I must also stress that my firm insistence on scaling this bill back to more fiscally responsible levels in no way jeopardize the continued operations of public broadcasting stations across the Nation. Under the established funding mechanism, ample appropriations have already been enacted into law for all of Fiscal Years 1985 and 1986. Funding for another 25 months is already guaranteed.

Thus, the issue regarding S. 2436 is really one of long-range fiscal prudence. Given the magnitude of the deficit cuts that will be needed in the years ahead, I do not believe we can justify locking-in public broadcasting funding levels for 1987–1989 that are so obviously excessive. To do so would be wholly inconsistent with our pledge to slow the growth of spending and reduce the size of the deficit.

Accordingly, I am disapproving S. 2436.

RONALD REAGAN.

THE WHITE HOUSE, *August 29, 1984.*

S. 2436

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-third day of January, one thousand nine hundred and eighty-four

An Act

To amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Broadcasting Amendments Act of 1984".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC TELECOMMUNICATIONS FACILITIES

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking out "and" after "1983," and

(2) by inserting after "1984," the following: "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987,".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC BROADCASTING

SEC. 3. (a) Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking out "and 1986" and inserting in lieu thereof "1986, 1987, 1988, and 1989";

(2) by striking out "and" after "1985,"; and

(3) by inserting before the period at the end thereof the following: ", $238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989".

(b) Section 396(k)(3)(A)(i)(II) of such Act (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by striking out "research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness,".

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

SEC. 4. Section 393 of the Communications Act of 1934 (47 U.S.C. 393) is amended by striking out subsection (c) and by redesignating subsection (d) as subsection (c).

REPEAL OF THE UNRELATED BUSINESS INCOME TAX PENALTY

SEC. 5. Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by striking out paragraph (8) and by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

Thomas P. O'Neill Jr.

Speaker of the House of Representatives.

Strom Thurmond

~~*Vice President of the United States and*~~ *President of the Senate pro tempore.*

I certify that this Act originated in the Senate.

William F. Hildenbrand

Secretary.

By Marilyn Courtot

Assistant Secretary

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